



relations and safety supervisor for respondent, testified that the parts claimant was lifting, part number 1468-420, weighed approximately five pounds. Her quota was 90 per day. He testified that the employees varied from that quota five to ten either way. He also testified that she placed them on a table 48 inches off the ground, not overhead. When confronted with Mr. Hartwig's testimony, claimant acknowledged uncertainty about the weight and number. The Appeals Board finds the testimony of Mr. Hartwig more convincing.

Mr. Hartwig also testified that claimant did not advise him of any injury at work and, instead, told him she was not able to do the job because of a prior injury. The record indicates claimant had a prior low back injury in 1992 with symptoms quite similar to those claimed in this case.

Finally, the record contains no expert medical opinion attributing the symptoms to an on-the-job injury. Claimant had seen Dr. Michael P. Estivo for her 1992 injury. Following the injury at issue in this case, claimant again went, on her own, to Dr. Estivo. His report relates the history claimant testified to in this case but does not express an opinion about the cause of claimant's current symptoms. Under these circumstances, and in the absence of convincing expert medical opinion, the Appeals Board concludes that the evidence falls short of meeting claimant's burden.

**WHEREFORE**, the Appeals Board finds that the Order of Administrative Law Judge Nelsonna Potts Barnes dated July 12, 1996 should be, and the same is hereby, reversed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of October 1996.

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BOARD MEMBER

c: Gregory Lower, Wichita, KS  
Vincent A. Burnett, Wichita, KS  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director